

Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----151551Z 049573 /53

R 151516Z FEB 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC 5318

S E C R E T SECTION 1 OF 2 NICOSIA 0445

EXDIS

E.O. 11652: XGDS
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

SUMMARY: ON FEB 11 THE SECOND REMAND HEARING IN THE DAVIES CASE WAS HELD AND FORMAL CHARGES WERE BROUGHT AGAINST THE SIX ACCUSED. THREE, KTIMATIAS, LEFTIS AND SAVVA, WERE CHARGED WITH HOMICIDE AS WELL AS LESSER CHARGES. THE OTHER THREE FACE LESSER CHARGES. ON FEB. 12 THE THREE ACCUSED OF HOMICIDE WERE REFUSED BAIL; THE OTHER THREE WERE RELEASED ON 1,000 CYPRUS POUNDS BAIL, WERE ORDERED TO SURRENDER THEIR PASSPORTS AND TO REPORT TO NEAREST POLICE STATION THREE TIMES A WEEK. LOCAL PRESS REPORTS THAT A DEMONSTRATION TOOK PLACE IN THE COURTROOM BY TWO OF ACCUSED WHO WERE REFUSED BAIL (THEY SHOUTED THAT SO FAR THEY HAD KEPT SILENT BUT NOW THEY WOULD TELL EVERYTHING); PRESS ALSO REPORTS THAT THE NICOSIA DISTRICT COURT WILL BEGIN PRELIMINARY INQUIRIES HEARING ON MARCH 3 AND THAT THE GOC MAY FORM A SPECIAL ASSIZES COURT TO DEAL WITH THE CASE. PHERSON DEVELOPED FURTHER INFORMATION ON ALL OF THE ABOVE IN DISCUSSIONS WITH CYPOL ASST. CMDR. DEMETRIOU ON FEB. 14. PHERSON HAS WORKED OUT AGREEMENT WITH CYPOL TO BEGIN A THOROUGH REVIEW OF DAVIES INVESTIGATION COVERING REPORT, WITH NO RESTRICTIONS ON NOTE-TAKING. END SUMMARY.

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1. ON FEB 11, 1977, FORMAL CHARGES WERE BROUGHT AGAINST THE SIX ACCUSED FOR VARIOUS ILLEGAL ACTS SURROUNDING THE DEATHS OF AMB. ROGER DAVIES AND MISS ANTONINETTE VARNAVA. DEMETRIOU FURNISHED PHERSON THE SPECIFIC CHARGES ON FEB. 14. THEY INCLUDE:

A. ACCUSED NOS. 1, 2, AND 3 (KTIMATIAS, LEFTIS AND SAVVA)

1. HOMICIDE (AMB. DAVIES) SEC. 205; ALSO SECS. 20 AND 21 (OFFENSES COMMITTED BY JOINT OFFENDERS IN PROSECUTION OF COMMON PURPOSE) - A FELONY, MAXIMUM PENALTY LIFE IMPRISONMENT.

2. HOMICIDE (ANTOINETTE VARNAVA) SAME AS ABOVE

3. RIOTING - SEC. 72 - A MISDEMEANOR, THREE YEARS; SEC. 78 - RIOTERS INJURING BUILDING, A FELONY, SEVEN YEARS.

4. USING OR CARRYING FIREARMS UNLAWFULLY; SEC. 3 OF CHAPTER 57 OF OLD FIREARMS ACT - A FELONY, SEVEN YEARS.

B. ACCUSED NO. 4 (XENOFON XENOFONTOS)

1. USING OR CARRYING FIREARMS UNLAWFULLY -- SEE ABOVE - SEVEN YEARS.

2. RIOTING - SEC. 72, THREE YEARS; SEC. 78, SEVEN YEARS.

3. THREATENING VIOLENCE, ATTEMPTING TO ALARM BY DISCHARGING FIREARM. SEC. 91B - A MISDEMEANOR, THREE YEARS.

C. ACCUSED NO. 5 (CHRISTAKOS CHARALAMBOUS)

1. CARRIES OR HAS IN HIS POSSESSION AN EXPLOSIVE
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SUBSTANCE - SEC. 4(4D) - A FELONY, SEVEN YEARS.

2. RIOTING - SEC. 72, THREE YEARS; SEC. 78, SEVEN YEARS.

D. ACCUSED NO. 6 (CHRISTOS LEONIDA)

1. MALICIOUS DAMAGE TO PROPERTY - SEC. 324(1) - A MISDEMEANOR, THREE YEARS.

2. RIOTING - SEC. 72, THREE YEARS; SEC. 78, SEVEN YEARS.

2. THE PROSECUTION ADVISED THE COURT THAT THE CHARGES OF HOMICIDE AGAINST KTIMATIAS, LEFTIS AND SAVVA WERE PARTLY BASED ON SECTIONS 20 AND 21 OF THE CYPRUS CRIMINAL CODE. THESE SECTIONS OF CODE STATE THAT WHEN TWO OR MORE PERSONS FORM A COMMON INTENTION TO PROSECUTE AN UNLAWFUL PURPOSE IN CONNECTION WITH ONE ANOTHER, AND IN THE PROSECUTION OF SUCH PURPOSE AN OFFENSE IS COMMITTED OF SUCH NATURE THAT ITS COMMISSION WAS A PROBABLE CONSEQUENCE OF THE PROSECUTION

OF SUCH PURPOSE, THEN EACH OF THEM IS DEEMED TO HAVE
COMMITTED THE OFFENSE.

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3. ON SATURDAY, FEB. 12, THE NICOSIA DISTRICT COURT ORDERED KTIMATIAS, LEFTIS AND SAVVA TO REMAIN IN CUSTODY AND SET A TRIAL DATE FOR MARCH 3, 1977. THE COURT BASED ITS DENIAL OF BAIL ON THE POSSIBILITY THAT THE THREE MEN MAY FLEE THE JURISDICTION SINCE THEY FACE POSSIBLE SENTENCES OF LIFE IMPRISONMENT. THE COURT FREED XENOFONTOS, CHARALAMBOUS AND LEONIDA ON BAIL OF 1,000 CYPRUS POUNDS. THEY WERE REQUIRED TO SURRENDER THEIR PASSPORTS. THEY MUST REPORT TO THE NEAREST POLICE STATION EVERY MONDAY, WEDNESDAY AND FRIDAY.

4. WHEN THE THREE MEN ACCUSED OF HOMICIDE WERE ESCORTED FROM THE COURT UNDER HEAVY POLICE GUARD, LEFTIS AND LOIZOU SAVVA CREATED A DISTURBANCE. THEY SHOUTED LOUDLY THAT SO FAR THEY HAD BEEN SILENT, BUT NOW THEY WERE GOING TO "TELL EVERYTHING." COMMENT: PHERSON ASKED DEMETRIOU FOR HIS ASSESSMENT OF THIS INCIDENT. DEMETRIOU SAID THIS SORT OF OUTBURST WAS NOT UNCOMMON IN CYPRUS COURTS, ESPECIALLY AMONG LESS INTELLIGENT DEFENDANTS. HE REGARDS THE COMMENTS AS VEILED BUT EMPTY THREATS AGAINST UNNAMED COURT OR POLICE OFFICIALS, AND NOT AS AN INDICATION THAT THEY MAY HAVE SIGNIFICANT INFORMATION ON THE DAVIES INVESTIGATION WHICH MAY HAVE BEEN SUPPRESSED OR OVERLOOKED. END COMMENT.

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5. PHERSON ASKED DEMETRIOU WHAT COULD BE EXPECTED WHEN THE DISTRICT COURT OPENS THE DAVIES TRIAL PROCEEDINGS ON MARCH 3. HE REPLIED THAT THE PRESS ACCOUNTS WHICH INDICATE PRELIMINARY INQUIRIES WOULD COMMENCE ON MARCH 3 WERE INCORRECT. ON MARCH 3 THE DISTRICT COURT WILL MAKE A DECISION WHETHER TO CONDUCT FORMAL PRE-LIMINARY INQUIRIES OR TO REFER THE CASE IMMEDIATELY TO THE ASSIZES COURT. THE FORMER COULD ENTAIL TAKING STATEMENTS FROM UP TO 300 WITNESSES.

6. PHERSON AGAIN REMINDED DEMETRIOU OF THEIR AGREEMENT TO GIVE PHERSON COMPLETE ACCESS TO THE CYPOL COVERING REPORT. DEMETRIOU RESPONDED THAT THE A/G PREFERS NOT TO RELEASE AN OFFICIAL COPY OF THE REPORT TO THE USG UNTIL THE CASE COMES TO TRIAL. AFTER SOME DISCUSSION DEMETRIOU SOMEWHAT RELUCTANTLY AGREED TO GIVE PHERSON ACCESS TO THE REPORT WITH NO RESTRICTIONS AS TO NOTE-TAKING. PHERSON WILL BEGIN THIS REVIEW ON FEB. 15.
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